

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *JE* D.C.

05 NOV -9 PM 3: 24

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TENNESSEE

SYMANTHIA COOPER,

Plaintiff,

v.

MEMPHIS AREA MEDICAL CENTER FOR  
WOMEN, INC., and BARBARA  
WOTHERSPOON, M.D.,

Defendants.

No. 04-2806 Ma/V

ORDER DENYING DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT

Before the court are two motions for summary judgment. On September 15, 2005, Defendants Memphis Area Medical Center for Women, Inc. ("MAMCW") and Barbara Wotherspoon, M.D. ("Wotherspoon") each filed a motion for summary judgment. Plaintiff Symanthia Cooper ("Cooper") filed a response to each motion on October 13, 2005.

Both Defendants' motions for summary judgment are based solely on the failure of Cooper's medical expert, Dr. McMillan, to offer opinions as to causation in her expert report or her deposition testimony. On August 26, 2005, however, Cooper submitted a supplemental report by Dr. McMillan addressing the issue of causation. Although both defendants filed motions to strike the supplemental report, those motions were denied in an

order filed by the magistrate judge on October 21, 2005. Because Dr. McMillan's expert report now includes her opinion as to causation, the motions for summary judgment of Defendants MAMCW and Wotherspoon are DENIED as moot.

So ordered this 9<sup>th</sup> day of November 2005.

A handwritten signature in black ink, appearing to read 'S. H. Mays, Jr.', written over a horizontal line.

SAMUEL H. MAYS, JR.

UNITED STATES DISTRICT JUDGE



## Notice of Distribution

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Honorable Samuel Mays  
US DISTRICT COURT